

**MINUTES**  
**of the Fifth Meeting of the**  
**Art Therapy Technical Review Committee**

**March 3, 2020**  
**1:00 p.m.**  
**Lower Level Conference Room “C”**  
**The Nebraska State Office Building, Lincoln, NE**

**Members Present**

Kevin Low, DDS (Chair)  
Su Eells  
Karen Jones  
Wendy McCarty, Ed.D.  
Marcy Wyrens, RRT

**Members Absent**

Ben Greenfield, Perfusionist  
Michael J. O'Hara

**Staff Present**

Matt Gelvin  
Ron Briel  
Marla Scheer

**I. Call to Order, Roll Call, Approval of the Agenda**

Dr. Low called the meeting to order at 1:00 p.m. The roll was called; a quorum was present. Dr. Low welcomed all attendees and committee members. The Open Meetings Law was posted in the meeting room, and the meeting date and time were advertised online at <http://dhhs.ne.gov/Licensure/Pages/Credentialing-Review.aspx>. The committee members unanimously approved the agenda for the Fifth meeting and the minutes of the fourth meeting.

**II. Final Committee Questions on the Proposal**

The Committee members had no final questions for the applicant group.

**III. Formulation of Recommendations on the Proposal by the TRC**

***Action taken on the four criteria:***

**Criterion one:** *Unregulated practice can clearly harm or endanger the health, safety, or welfare of the public.*

Karen Jones commented that the applicants provided good examples of harm that has occurred as a result of poor quality care provided by unqualified providers of art therapy services. Dr. Low commented that this information shows that there is potential for real harm from unqualified providers of this kind of care.

The Committee members took a roll call vote on whether the proposal satisfies criterion one: Jones, Wyrens, McCarty, and Eells voted yes. There were no nay votes. Chairperson Low abstained from voting.

**Criterion two:** *Regulation of the profession does not impose significant new economic hardship on the public, significantly diminish the supply of qualified practitioners, or otherwise create barriers to service that are not consistent with the public welfare and interest.*

Marcy Wyrens commented that the proposal offers the public another group of competent providers for art therapy services. Karen Jones expressed some concerns about whether the proposal might initially diminish the supply of providers, but noted in her comment that it is more important to weed out the unqualified providers and ensure that all who provide these services are qualified. Marcy Wyrens commented that if the proposal were to be approved art therapists from other states might be encouraged to come to Nebraska to set up practices. Karen Jones and Su Eells expressed agreement with this comment.

The Committee members took a roll call vote on whether the proposal satisfies criterion two: Jones, Wyrens, McCarty, and Eells voted yes. There were no nay votes. Chairperson Low abstained from voting.

**Criterion three:** *The public needs assurance from the state of initial and continuing professional ability.*

The Committee members took a roll call vote on whether the proposal satisfies criterion three: Jones, Wyrens, McCarty, and Eells voted yes. There were no nay votes. Chairperson Low abstained from voting.

**Criterion four:** *The public cannot be protected by a more effective alternative.*

Su Eells commented that the proposed specialty certification for art therapists would mirror the way LMHP has incorporated a wide variety of subspecialties within mental health, and that art therapy would be a good addition in this regard.

The Committee members took a roll call vote on whether the proposal satisfies criterion four: Jones, Wyrens, McCarty, and Eells voted yes. There were no nay votes. Chairperson Low abstained from voting.

### ***The Up/Down vote on the proposal as a whole***

The Committee members took action on the proposal as a whole via an up/down vote as follows:

Voting to recommend approval of the proposal were Jones, Wyrens, McCarty, and Eells. There were no nay votes. Chairperson Low abstained from voting. By this vote the Committee members recommended approval of the art therapy proposal.

### **IV. Public Comments**

Douglas Zbylut, speaking on behalf of the applicant group, informed the Committee members that he has been in contact with representatives of the Platte Institute which has expressed concerns about the need for the art therapy proposal. Mr. Zbylut went on to state that he clarified the exact nature of the art therapy proposal to these representatives, and according to him, this clarification successfully addressed the concerns they had about the proposal.

### **V. Other Business and Adjournment**

There being no further business, the committee members unanimously agreed to adjourn the meeting at 1:30 pm.